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THE
Maryland Historical Society

AND THE
Peabody Institute Trustees.

A REPORT

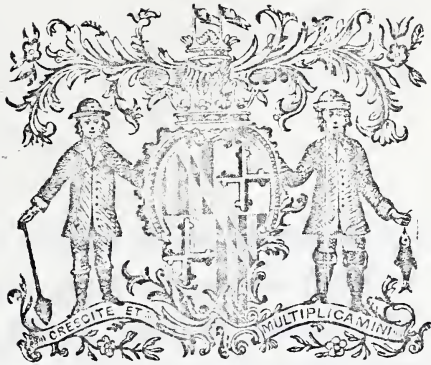
FROM A SPECIAL COMMITTEE OF THE
MARYLAND HISTORICAL SOCIETY,

Read and Adopted at the Society's Monthly Meeting,

April the 5th, 1866.

BALTIMORE:
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THE

Maryland Historical Society

AND THE

Peabody Institute Trustees.

At a meeting of the Maryland Historical Society, held in its hall, in the Athenæum Building, on Thursday night, 5th of April, 1866, the following Report and Resolutions were presented and read to the society, on behalf of the committee, by Mr. Brantz Mayer.

On motion of Mr. J. Saurin Norris, the Report and Resolutions were unanimously adopted, and five hundred copies ordered to be printed.

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REPORT:

THE letter of the Trustees of the Peabody Institute, dated 12th of February, 1866, to the Maryland Historical Society which was referred to this Committee by our last monthly meeting, has been considered by the undersigned who present the following as the result of their deliberations:

Early in the year 1857, Mr. George Peabody, of London, then in Baltimore, prepared and published a letter addressed to certain Trustees, dated 12th of February of that year, by which he created the Peabody Institute, supplied ample funds for the erection of a building as well as for the clearly defined purposes of the Institute, appointed twenty-five Trustees and their successors to put it in operation, gave this Society free quarters in the contemplated edifice, and constituted it administrator of the trust.

This letter was presented to the attention of the Society on the 5th of March, 1857, at our regular monthly meeting by Mr. John P. Kennedy, a Trustee, then and now a vice-president of the Maryland Historical Society, and, at present, also President of the Board of Trustees of the Peabody Institute, but for some months past absent from Baltimore.

Our Society promptly accepted the administration confided to it, after full explanation of Mr. Peabody's designs by Mr. Kennedy, who, it was understood, had drawn up Mr. Peabody's letter under his personal instructions, and was, therefore, best qualified to expound it. In his explanatory speech, at our meeting, Mr. Kennedy defined our relations with his usual clearness, stating frankly that it had been Mr. Peabody's design

to give the whole charge to this Society: and that it was simply from the possibility that our Society might, at some time hereafter, cease to exist, that he interposed the Board of Trustees, giving them custody of the money and bestowing certain visitatorial powers, while he entrusted the entire administration to us. That is the recorded interpretation given by the present President of the Board of Trustees—our Vice-President—when he was fresh from the side of Mr. Peabody, and had just completed the draft of his letter.

Almost simultaneously, on the 4th of March, 1857, Mr. Peabody, then in Charleston, South Carolina, executed a deed of trust confirming his letter; and “in addition ~~to~~, but not in derogation of” its directions, he declares in this instrument—that “if from any cause, whatever, of which my said Trustees, their associates and successors shall be the exclusive judges, there shall be a *failure* on the part of the Maryland Historical Society to undertake and prosecute the functions I have indicated in my said letter, as hereafter to be confided to it, then, and in that event, and unless they see fit to assume the functions themselves, I hereby declare it to be the duty of my said Trustees, their associates and successors, and they are hereby authorized, to select some other agency competent in their judgment to carry out my views in the premises.” This clause, which, it will be observed, is “not in derogation” of the powers conferred on us, simply provides for an emergency, which, as far as your Committee is advised, this Society has never had an intention to contrive or produce.

In furtherance of his bounty, Mr. Peabody empowered the Trustees to obtain an Act of Incorporation from the Maryland Legislature; and, accordingly, an act was procured, setting forth the Letter and Deed of Trust. The Trustees at once purchased a large quantity of ground and erected a building on a part of it after

consultation with this Society as to the apartments designed in the plan, for our use and occupation. In January, 1860, three years after Mr. Peabody's Plan was first announced to and accepted by us, the Trustees proposed, at a special meeting of our Society, a printed Plan of *Organization* drawn up and published by them, which, after debate, was adopted by resolutions recorded in our minutes.

It is well known that several efforts have since then been made by us to communicate with the Trustees in regard to the assumption of our duties. It is, also, notorious that the buildings of the Peabody Institute have been completed and ready for use for about four years, but that no invitation has been given to this Society, in conformity with Mr. Peabody's plain intentions, laid down in his Letter and re-asserted in the Plan of Organization by the Trustees themselves, in the following explicit language:—"when the building is ready for the accommodation of the Maryland Historical Society, that body shall be invited to move into and take possession of the apartments designed for its use, and accept the duties assigned to it by the Letter of the founder."

The Letter, the Deed of Trust, the Act of Incorporation, and our acceptance of the administrative trust, are, therefore, to be considered as conclusively defining and vesting our rights and powers in regard to the Institute, while the failure of the Trustees to invite us to occupy our apartments after the long, well known completion of the building and after an equally long and patient submission on our part, has induced the Society to appoint this Committee to confer with the Trustees. Hence the letter addressed to them by this Committee on the 10th of January, 1866, reported to the Society at its last monthly meeting, in which we reviewed the subject, demanded the right to occupy the completed apartments

built for us, and respectfully asked whether the Trustees were prepared to give us the administration of the Institute.

We are sorry to say that our courteous letter produced no direct reply to us from the Trustees, yet, received an unsatisfactory response, over our heads, addressed to the Society. In this answer the Trustees announce what they style their "determination," in the following sentence: "We have come to the conclusion, for reasons which we think deeply founded in the welfare of the Institute, that the management of its several departments by your body, which was instituted for an entirely different end, will not be promotive of the objects which the munificent founder of the Institute had in view."

Let us consider this rebuff patiently, notwithstanding its arrogance in differing wholly with the *directions* and well known wishes of Mr. Peabody in regard to this Society. What justification is offered by the Trustees of themselves, in the eyes of Mr. Peabody, whose judgment is thus abruptly spurned? Let us quote the only important passage in the letter which seems to deal, logically with the subject. Our "chief reason," they continue, "for this well considered opinion, is, that the administrative duty of conducting the Institute should be confided to a more limited number than your body or its committees, chosen as they must be from a number liable to great fluctuations, and whose easy terms of membership may be availed of, at any time, to produce hasty and inconsiderate changes, and thus bring about a conflict of opinion between you and the managing authority, which is so much deprecated in the letter which is the guide of both of us."

This is "the chief reason" assigned, and we have sought for other and better ones in this letter of the Trustees without success. If it is "a reason" at all,

whether "chief" or minor, it is a timid and inaccurate one, provided it is "frankly" given. Can the alleged possible "conflict of opinion," which is but the fancied fear of an improbable occurrence, really affect the minds of practical persons? What "different end" has our Society from the Peabody Institute? Both are literary, artistic, and scientific bodies; both possess and contemplate the increase of valuable libraries; both propose communication with the public; and, in truth, the variance exists solely in the fact that the Institute is an expansion of the best purposes of this Society, super-added to its historical character. Can the Trustees, we respectfully ask, be entirely candid when they virtually tell us that they cannot trust a Society of which most of them are members—of which Mr. Peabody is a member, in which any three of them may, by that number of black-balls, reject a proposed member—of which their President is and has been for nearly twenty years our Vice-President—of which their Librarian is one of our most respected and heeded associates—of which their Treasurer and Secretary are, also, active members—and, in fine, a Society which is so tied up by the mutually adopted Plan of Organization that it cannot appoint an officer from its body, for the administration of the Institute, without the scrutiny and confirmatory acceptance of the Board of Trustees?*

Your Committee, therefore, does not take much heed of this alleged "chief reason" for our rejection, especially as we have not only the written, but the printed endorsement of our Society by these very Trustees, in 1860, as superlatively proper for the duties assigned to us.

* See page 9 of the printed edition of the Plan of Organization, section 8. EXTRACT—
 * "The Historical Society shall nominate such person as it may deem qualified for the office, and submit such nomination to the Board of Trustees, who shall confirm or reject the same. The same person shall not be nominated more than twice, unless requested by the Board; and the process of nomination shall be repeated until an appointment shall be agreed on," &c., &c. Thirteen of the present twenty-five Trustees of the Institute are members of the Maryland Historical Society.

Permit us to recite the certificate of character given to us by them on page 11 of the Plan of Organization, published in 1859-60.

"The Committee" (of the Trustees) "do not apprehend that the occasion will ever arise when these powers" (the visitatorial) "will be called into service for any other purpose than that of harmonious and effective co-operation with the administrative body. The high character of the Historical Society, its intelligent appreciation of the value of the benefaction of Mr. Peabody, and the ability and zeal with which it is enabled to contribute to the conduct of the functions assigned to it, forbid a surmise of any possible miscarriage in the faithful administration of the Institute during the present generation of its membership; whilst the system of its organization, as well as the inducements it must ever hold out to attract the good will and participation of the most worthy and cultivated individuals of our community, furnish a no less reliable guaranty of its devotion to the success and beneficent service of the Institute."

Your Committee think it will be difficult to match in literary history so direct a contradiction of opinion as these two utterances of the Trustees of this Institution. We are, also, at a loss to recommend which of them should be considered a "frank" avowal of judgment as to the character and capacity of this Society—present or future; and, accordingly, we have no hesitation in saying that the "chief reason" for our present rejection by the Trustees is unworthy of consideration. Neither will the Committee concern itself about the "*determination*" of the Trustees, (independent of its "reasons.") or with any opinions of Mr. Peabody, produced by impressions made in communications of an "indirect" character, as stated in the letter of the Trustees to Mr. Peabody, a copy of which was forwarded

with their reply and read at the last meeting of the Society. Mr. Peabody's scheme and institution were set forth and incorporated by our Legislature nine years ago, and they are no longer the Trustees' or Mr. Peabody's property to deal with. The Institute is the creature of law. Hence, the reference, by the Trustees, of the subject to Mr. Peabody, especially without the previous assent, knowledge, consultation or desire of this Society, is not only indelicate and arrogant to our benefactor and ourselves, but manifestly illegal, and calculated, by indirect means, to attempt to disgust us into a voluntary withdrawal from the scheme. This accomplished, the contingency provided for in the Deed of Trust will have occurred, and the Trustees themselves will at once, doubtless, "assume the functions" of administration as well as of organization, and thus become the sole and undisputed masters of the Institute.

We do not feel it necessary to enter into a defence of the capacity and worthiness of this Society to become the administrator of Mr. Peabody's bounty to Baltimore. Our history is well known to this community for the last twenty-three years. It needs no vindication. The Society of 1866 is the same Society that it was in 1857, (the date of Mr. Peabody's Letter,) with the same constitution, incorporation, laws, and system of admission or exclusion of members. Of course, some of our members in 1857 are dead, and some have voluntarily left us, while a recent infusion of young, intelligent, educated and active men gives additional promise of renewed and vigorous life. Who have been, and who are, our members? Who were the founders and builders of the edifice we own and occupy since 1848? Who were the saviors of the Baltimore Library's splendid collection of books, now in our apartments and possession? Who are the present and who are to be the future active men, of all professions and occupations in

Baltimore? Who are to become the future Trustees of the Peabody Institute, itself, for, alas! the present ones are not immortal? Each of these questions is to be answered by finding all these persons, or at least the large majority of them, members of the Maryland Historical Society, and all, as their age or opportunities permit, more or less active and interested in it and in the material and intellectual progress of Baltimore.

We might pause here, but there is another suggestion made, at the close of the Trustees' letter, why we should not, at least now, be admitted to occupy any part of the Peabody Institute's edifice, and, it is because the library purposes of the Institute demand the rooms originally designed for this Society.

In our letter of 10th January, 1866, we, of course, assumed that the building erected was suitable for our occupation in connection with the objects of the Institute. We were justified in this belief, because it had been notorious for years that certain completed apartments were built for us expressly. It seems, however, that the Trustees have recently discovered that they are deficient in room. "When the plan of the building was adopted," they say, "the accommodation it afforded was supposed to be adequate to the requirements of the library, the lectures, and the uses of your Society. We find now, however, in our enlarged experience, that if the library be intended to realize the requirements of the founder as 'an extensive library, to be well furnished in every department of knowledge, and of the most approved literature, which is to be maintained for the free use of all persons who may desire to consult it, and supplied with every proper convenience for daily reference and study'—that the space we have assigned to it is wholly inadequate to the purpose; and, whilst in its arrangement and situation in the building it is excellently well adapted to the keeping of books, it is, in no-

wise, suited for their continuous use or study. We will, therefore, be obliged to appropriate a large part of the space intended for your accommodation to the use of readers frequenting the library, and that which would remain, if any shall remain after the liberal plan of the library shall be fully developed, would be entirely inadequate to your comfortable use. We shall, therefore, be obliged, if the original plan of management be adhered to, to provide you ample and convenient accommodation in the future extension of the buildings of the Institute."

We consider this passage, from the remarkable letter of the Trustees, so confessedly self-condemnatory, that it is fatal. Mr. Peabody's Letter of Institution was dated 12th of February, 1857; the letter of the Trustees to this Society is dated on the anniversary of that day, precisely nine years after, to wit, on the 12th of February, 1866. Do these gentlemen mean to be understood by Mr. Peabody, this Society, and the community of Baltimore, to whom they are responsible, as saying that it has taken just nine years—to a day—for them to begin to comprehend the design and scope of Mr. Peabody's scheme,—to understand and realize an idea? That, we know, is the period required by the Roman classic for the gestation of a perfect poem, but we have never heard that it was necessary for the incubation of an architectural plan. If it requires nine years to devise, and then not successfully, the physical shell of the Institute, how many will it exact to form and ripen the intellectual kernel? Who, of this generation of Baltimoreans, can reasonably expect to enjoy the fruition? What "*enlarged* their experience?" The facts are exactly the same in 1866 that they were in 1857. Do they mean to tell Mr. Peabody that the idea he conceived was too large for the means he bestowed for its accomplishment? Are not these singular arguments

to present to Mr. Peabody to maintain their capacity for the duty of Trustees? Is not the answer obvious that must occur to Mr. Peabody, (as soon as he shall have read the passage just quoted.) that if it required nine years for them to begin to understand the architectural idea, (and they, then, found they had made a fatal mistake in the erected building,) how many years will it require for the Trustees to comprehend, and finally to realize, the intellectual part of the scheme which every body else seemed to think so clearly set forth in his letter? It is likely this practical man of business would be apt to consider his Trustees as very unpractical persons and unfitted for the plain and simple designs he had so long ago entrusted to their execution, and hoped to see in full, successful, operation before his death.

Denounced as we have been, directly and indirectly, to Mr. Peabody, the temptation is quite irresistible, and we hope it will not be considered improper to review the action of the Trustees, themselves, in the performance of this noble public trust. In nine years, what have they done but build an edifice which they confess is insufficient for the Institute and this Society, although, during all that time, they were possessed of ample means and sufficient ground for a building double the size of the present? They have built a hollow, inadequate house, and filled the floor of its vacant lecture room with comfortable seats, which are vacant still and have never been occupied by an audience since they came from the carpenter's hands; they have erected a library room so dark and gloomy that, they admit, no one can "continuously use and study" in it, while they have filled its walls with cases, not more than one-fourth of which is occupied by books; in nine years they have never even offered this scant collection to the reading community of Baltimore: nor has a lecture been heard, a picture exhibited, nor a note of music resounded

within the cheerless walls. The edifice has never, even, been dedicated publicly, by suitable services, to the generous purposes of the endower; and, in fact, during the four years of its architectural completion, it has stood in the heart of our city as a marble tomb of good but broken promises!

We are of opinion that the hint of the Trustees about "a suggestion to a munificence which needs no prompting," in our behalf, is not at all proper for your consideration. If the Trustees are candid in saying they feel it "indelicate" to make such "a suggestion" to Mr. Peabody at all, your Committee is really at a loss to understand how that gentleman is to avoid reading this withheld suggestion, when the withholders tell us they have already placed it in his hands for perusal! It may, probably, in the *transmitted* copy of the letter of the 12th of February, 1866, have been omitted or written in "invisible ink"; but, under any circumstances, it is not for this Society to approach, or sanction an approach to Mr. Peabody, for a retiring pension from his Institute.

After this review, which we hope will be considered, as we have intended it to be, fair and dispassionate, we might, perhaps, with great propriety recommend the Society to institute legal proceedings to compel the Trustees to perform their duty, at least in part, by placing the Society in the rooms built for us and still unoccupied. This Society has no interest in the Institute but that of the public good and a sense of duty assumed to Mr. Peabody. The scheme confers no special benefits on us as an Historical Society; and the assumption of the administration is the assumption only of onerous, extra duties which confer rather than receive an obligation. It seems just and necessary that so great a trust *should be fulfilled*, for the benefit of our city, within a reasonable time, and that if not completed,

voluntarily, the law should see to its execution. It should not rest in the hands of persons who have shown themselves incompetent, and have now the boldness to attack our trustiness and administrative capacity. But, there is a natural reluctance to do anything which might wound the feelings of our respected friend, who, we do not, for a moment, think will cast a stigma on a Society he has so long cherished. It would grate harshly on his sensibility to know that his bounty had been dragged into the courts, before all measures were exhausted to prevent the catastrophe. We should, therefore, of course, be extremely reluctant to go to law about this matter with the Trustees, even if it may ultimately become necessary, and especially as it is understood that Mr. Peabody is to be here in the course of April or May of the present year. Nevertheless, we feel it due to him, to ourselves, and to this community, eager to enjoy the benefits of the Institute, to recommend the passage of the following resolutions, which will show that we have fulfilled and are willing to fulfil our undertakings in regard to the Institute; that we relinquish none of our rights or powers conferred by the Letter, the Deed of Trust, and the Act of Incorporation; that we refrain from sanctioning the recent appeal of the Trustees to Mr. Peabody; and, finally, if necessary, that we will stand on and assert our vested rights before the courts of Maryland.

All of which is most respectfully submitted by the undersigned:

P. G. SAUERWEIN, *Chairman*,
BRANTZ MAYER,
HUGH L. BOND,
WILLIAM F. GILES,
THOMAS D. BAIRD.

Committee Md. Hist. Society.

RESOLUTIONS.

1. *Resolved*, That the Maryland Historical Society accepted the duty of administering the Peabody Institute with no view to this Society's aggrandizement, but from a sense of respectful compliance with Mr. Peabody's wishes, and with a sincere desire to become useful, as his trustees, to our fellow-citizens.

2. *Resolved*, That this Society, having promised to undertake the functions indicated in Mr. Peabody's letter of 12th of February, 1857, and having never shrunk from the performance of the duties thereby imposed, relinquishes none of its vested rights and powers under the Act of Incorporation of the Peabody Institute, and, if necessary, but with regret, will appeal to the proper tribunals for the enforcement of its rights.

3. *Resolved*, That the Recording Secretary be requested to have all the proceedings of this Society in regard to the Peabody Institute, as recorded in our Book of Minutes, neatly copied, and that the President be desired to forward this transcript to Mr. Peabody with as little delay as possible, in order that he may be apprized of the fidelity with which this Society has sought, by amicable means, to fulfil its acceptance of his trust, and that he may be possessed of the Society's resolution to insist on its rights which are sought to be put aside by the Trustees.

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